

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD MONROE

Plaintiff,

v.

CORRECTIONAL OFFICER WALKER, et  
al.,

Defendants.

Case No. 3:14-cv-00515-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (dkt. no. 26) relating to Defendants’ Motion to Dismiss (dkt. no. 17). Plaintiff had until January 28, 2016, to object to the R&R. (Dkt. no. 26.) To date, no objection has been filed.


This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to  
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
4 view that district courts are not required to review "any issue that is not the subject of an  
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
6 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.  
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge  
11 recommends granting Defendants' motion as to Defendant Robert LeGrand, and  
12 denying Defendants' motion as to Defendant Debra Walker. Upon reviewing the R&R  
13 and underlying briefs, this Court finds good cause to adopt the Magistrate Judge's R&R  
14 in full.

15 It is therefore ordered, adjudged and decreed that the Report and  
16 Recommendation of Magistrate Judge Cobb (dkt. no. 26) be accepted and adopted in its  
17 entirety. Defendants' Motion to Dismiss (dkt. no. 17) is granted in part and denied in  
18 part. Defendant LeGrand is dismissed with prejudice.

19 DATED THIS 26<sup>th</sup> day of February 2016.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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